

Applicant : Geoffrey C. Chick, et al.
Serial No. : 10/623,996
Filed : July 21, 2003
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Attorney's Docket No.: 02103-550001 / AABOSW18

Amendments to the Drawings:

The attached replacement sheet of drawings includes changes to Fig. 7B and replaces the original sheet including Figs. 7A and 7B.

In amended Fig. 7B, a stray mark is removed.

Attachments following last page of this Amendment:

Replacement Sheet (1 page)
Annotated Sheet Showing Change(s) (1 pages)

REMARKS

The comments of the applicant below are each preceded by related comments of the examiner (in small, bold type).

Election/Restrictions

6. During a telephone conversation with Charles Hieken on 11/22/05 a provisional election was made without traverse to prosecute the invention of Species I, claims 1-10, 13, 14 and 17-20. Affirmation of this election must be made by applicant in replying to this Office action. Claims 11, 12, 15, 16, and 21-33 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

This election is affirmed.

Claim Rejections - 35 USC § 112

9. Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said cavity" in page 23 lines 10-11. It is unclear which cavity is referred to.

Claim 1 has been amended.

Regarding claim 2, limitation is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c).

Claim 2 has been cancelled.

Claim Rejections - 35 USC § 102

11. Claims 1, 2, 9, 10, 13, 14 and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. patent number 5850,460 (Tanaka et al). Regarding claims 1 and 2, Tanaka et al discloses an acoustic device, comprising: an acoustic enclosure (figure 1) having an exterior surface and enclosing an interior volume and further having an aperture in said exterior surface; a first acoustic driver (2a) and a second acoustic driver (2b), each having a first radiating surface, mounted so that said first radiating surface faces said enclosure interior volume; a passive

radiator module (1a, 1b), comprising a closed three dimensional structure defining a cavity (5) with an opening, mounted in said aperture to define a cavity in said enclosure, separated from said interior volume; a first passive radiator (1a) and a second passive radiator (1b), each having a radiating element having two opposing surfaces, mounted in said module so that one of said surfaces faces said cavity; and a baffle (4a) structure in said enclosure between said first acoustic driver and said first passive radiator from said second acoustic driver and said second passive radiator.

Elements 2a and 2b in FIG. 1 of Tanaka are not acoustic drivers; rather they are first and second **passive radiators**.” Tanaka, column 6, line 6 (emphasis added). Elements 1a and 1b in FIG. 1 of Tanaka are not passive radiators; rather they are “a first **driver unit** ... and a second **driver unit**.” Tanaka, col. 5 lines 3-4 (emphasis added). As a result, Tanaka either describes no “first passive radiator and a second passive radiator ... mounted in said module,” or if such passive radiators are described, the module is not “mounted in said aperture to define a cavity in said enclosure, separated from said interior volume,” both of which are recited in amended claim 1.

Regarding claim 9, Tanaka et al discloses an acoustic device comprising, an acoustic enclosure (figure 1) bounded by a three dimensional bounding figure said enclosure having walls defining an enclosure interior volume, an acoustic driver (2a) having a first surface and a second surface about a first axis, wherein said acoustic driver is mounted in said acoustic enclosure so that said first surface faces said interior volume, a cavity (5) in said acoustic enclosure lying substantially within said bounding figure, and a first passive radiator (1a) having a first surface and a second surface and an intended direction of motion along a second axis (4a), mounted in said acoustic enclosure so that said first passive radiator first surface faces said cavity and said passive radiator second surface faces said enclosure interior, wherein said acoustic enclosure is constructed and arranged so that all acoustic paths between said acoustic driver first surface and said cavity include said first passive radiator. Regarding claim 10, Tanaka et al further discloses a second passive radiator (1b) having a first surface and a second surface and an intended direction of motion along a third axis (4b), said second passive radiator mounted so that second passive radiator first surface faces said cavity and said second passive radiator second surface faces said enclosure interior, said second passive radiator further mounted so that said first passive radiator intended direction of motion and said second passive radiator intended direction of motion are substantially parallel, wherein said acoustic

enclosure is constructed and arranged so that all acoustic paths between said acoustic driver first surface and said cavity include said first passive radiator or said second passive radiator.

With regard to independent claim 9, elements 2a and 2b in FIG. 1 of Tanaka are not acoustic drivers: "Both the first and second **passive radiators** 2a and 2b..." Tanaka, column 6, line 6 (emphasis added). Elements 1a and 1b in FIG. 1 of Tanaka are not passive radiators: "The speaker of the invention comprises as shown in FIG. 1 a first **driver unit** 1a and a second **driver unit** 1b..." Tanaka, col. 5 lines 3-4 (emphasis added). As a result, Tanaka does not describe "a first passive radiator having a first surface and a second surface ... mounted in said acoustic enclosure so that said first passive radiator first surface faces said cavity and said passive radiator second surface faces said enclosure interior."

All of the dependent claims are patentable for at least the reasons for which the claims on which they depend are patentable. Canceled claims, if any, have been canceled without prejudice or disclaimer. Any circumstance in which the application has (a) addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

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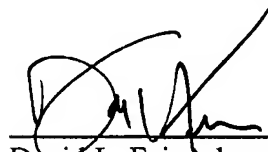
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No fee is believed to be due. Please apply any other charges or credits to deposit account 06-1050, referencing 02103-550001.

Respectfully submitted,

Date: _____

7/28/06



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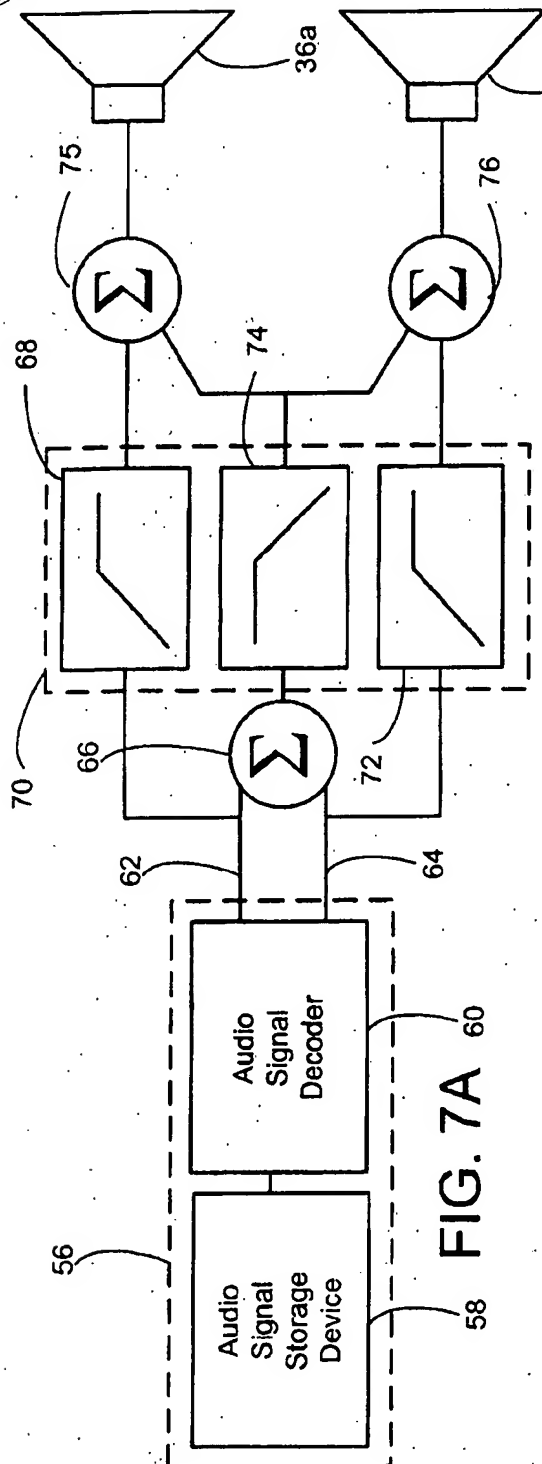


FIG. 7A

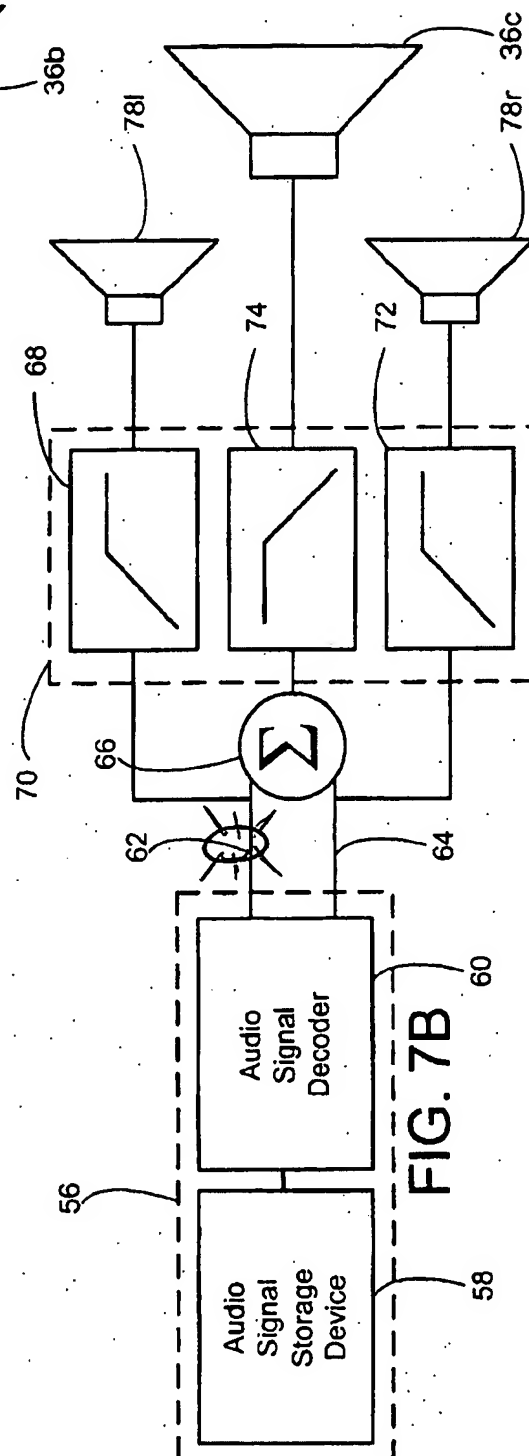


FIG. 7B